

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI  
MOTOR AMERICA, INC.,

Defendants.

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CASE NO.  
**2:07-cv-00306-MHT-CSC**

**PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION RESPONSE TO  
PLAINTIFF'S AMENDED SECOND MOTION FOR CONTINUANCE OF TIME TO  
RESPOND TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT UNDER  
RULE 56(f)**

Comes now the Plaintiff, JERRY LEON DEES, JR. ("Dees"), by and through his counsel of record, and herewith responds to *Defendants' Opposition Response to Plaintiff's Amended Second Motion for Continuance of Time to Respond to Defendants' Motion for Summary Judgment Under Rule 56(f)* (Doc. 100), filed on January 25, 2008, by Defendants as follows:

1. Defendants have, in fact, impeded Plaintiff's ability to conduct complete and thorough discovery by not producing requested documents sufficiently early to allow Plaintiff to analyze the documents and conduct a thorough deposition of HMMA's corporate representatives. In Plaintiff's letter to Defendants dated January 4, 2008, Plaintiff specifically requested the documents as soon as possible, belying Defendants' reliance on the standard wording in the 30(b)(5) document request. See Exhibit A hereto. Plaintiff noticed the depositions of Defendants' corporate representatives two weeks from that date to allow Defendants time to gather the

documents and make them available to Plaintiff for review and copying sufficiently early enough to provide a meaningful opportunity to analyze the documents prior to the depositions.

2. Plaintiff objects to its decision not to take the HMA deposition without the advance opportunity to study the documents as “gamesmanship.” Given the significant expense of traveling to California, where the Defendants have insisted this deposition be taken, and the risk of not being able to conduct a meaningful deposition without analysis of the responsive documents beforehand, Plaintiff decided to postpone the deposition.

3. Plaintiff has decided not to take the deposition of HMA’s corporate representatives, and needs time only to complete his analysis of the documents and corporate deposition transcripts just received.

In summary, Defendants’ Opposition Response to Plaintiff’s Amended Second Motion for Continuance of Time to Respond to Defendants’ Motion for Summary Judgment should be denied, and Plaintiff should be granted an additional seven days to complete its response in opposition to Defendants’ Motion for Summary Judgment.

Respectfully submitted,

s/ Jeffrey R. Sport  
Jeffrey R. Sport (SPORJ5390)

OF COUNSEL:

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**Attorney for Plaintiff**

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on the 25<sup>th</sup> day of January, 2008, electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

J. Trent Scofield, Esq.  
T. Scott Kelly, Esq.  
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P.O. Box 2757  
Greenville, SC 29602

s/ Jeffrey R. Sport  
COUNSEL

**KILBORN  
ROEBUCK &  
MCDONALD**  
ATTORNEYS AT LAW

VINCENT F. KILBORN, III

M. LLOYD ROEBUCK

DAVID A. MCDONALD

W. PERRY HALL

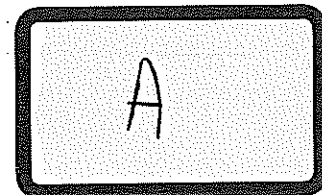
JEFFREY R. SPORT

January 4, 2008

Via Fax and U.S. Mail

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Re: *Dees v. Hyundai Motor Manufacturing Alabama, LLC, et al.*

Gentlemen:

Per Judge Coody's order this date, the depositions of the HMMA and HMA corporate representatives will proceed as previously noticed. Please provide the documents requested as soon as possible so that we can keep the depositions as short as possible.

I have placed a call to Mr. Hall to see when he is available for deposition. If he is not available until after the 15<sup>th</sup>, we will, of course, accommodate you. We expect the same accommodation with respect to the depositions of the corporate representatives.

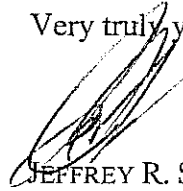
I have enclosed amended deposition notices for the corporate representatives for January 18<sup>th</sup> (HMMA) and 21<sup>st</sup> (HMA). As I recall, you warranted to the court that the HMMA corporate representative deposition could be taken at the HMMA facility, so I have noticed it for there. We can take it in the conference room where Dees was terminated, or such other conference room as you designate.

Although I do not understand what the Judge meant by footnote 4 regarding his having resolved the location of the depositions (I only understood that he expressed his general impressions, and had not made any ruling), I have noticed HMA's deposition at their offices in Fountain Valley, California.

J. Trent Scofield, Esq.  
January 4, 2008  
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With best regards, I remain

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey R. Sport", written over a horizontal line.

JEFFREY R. SPORT  
For the Firm

JRS/jrs

w/ enc.